



# Environmental Fact Sheet

## Final HWIR-MEDIA Rule

### What is the HWIR-media rule?

The HWIR-media rule is a final regulation that is part of President Clinton's March 1994 environmental regulatory reform initiative. The rule sets new requirements under the Resource Conservation and Recovery Act (RCRA) for hazardous remediation wastes that are treated, stored, or disposed of during cleanup actions. Specifically, the rule

- Makes permits for treating, storing, and disposing of hazardous remediation wastes faster and easier to obtain
- Provides that obtaining these permits will not subject the owner and/or operator to facility-wide corrective action
- Creates a new kind of unit called a "staging pile" that allows more flexibility in temporarily storing remediation waste during cleanup
- Excludes dredged materials from RCRA Subtitle C if they are managed under an appropriate permit under the Marine Protection, Research and Protection Act or the Clean Water Act.
- Makes it faster and easier for States to receive authorization when they update their RCRA programs to incorporate revisions to the Federal RCRA regulations.

### What is the background for this rule?

On April 29, 1996, EPA proposed new regulatory provisions entitled "Requirements for Management of Hazardous Contaminated Media" (61 FR 18780). That proposal, also known as the "Hazardous Waste Identification Rule for Contaminated Media" (or HWIR-media), included a broad range of potential reforms. Among those reforms, EPA proposed options for excluding contaminated media and other remediation wastes from Subtitle C. For the reasons described in the following paragraph, EPA is not finalizing those broad reforms in the HWIR-media final rule, but instead is finalizing only the reforms listed at left. EPA has already finalized the 1996 proposed provisions for standards for hazardous soils. These provisions were in the May 26, 1998, Phase IV final rule (63 FR 28556).

Although EPA conducted a lengthy outreach process before developing the HWIR-media proposal and tried to balance the concerns and interests of various stakeholder groups, it is clear after reviewing public comment on the proposal that stakeholders have fundamental disagreements on many remediation waste management issues. EPA has concluded that pursuing comprehensive regulatory reform would be time- and resource-intensive and would most likely result in a rule that would provoke additional

years of litigation and associated uncertainty. This uncertainty would be detrimental to the program and would have a negative effect on ongoing and future cleanups. Therefore, EPA is withdrawing the proposed options for broad reforms—such as those that exempted remediation wastes from Subtitle C—and is, instead, finalizing only those reforms listed.

One of the 1996 HWIR-media options proposed was the withdrawal of the Corrective Action Management Unit (CAMU) rule because its flexibility would be replaced with the proposed broad reforms. However, because EPA is not finalizing those broad reforms, the CAMU rule will be retained as it currently exists in 40 CFR Section 264.552

### **Does the HWIR-media rule apply new mandatory requirements?**

No. Adoption of the requirements of this rule is optional for authorized state RCRA programs because these requirements are less stringent than the existing requirements. Even after these new regulations are adopted and authorized for state programs, facilities may choose not to take advantage of them and may choose, instead, to comply with the traditional requirements for hazardous waste management.

### **Is EPA changing policies that currently provide flexibility for remediation waste management?**

No. Existing areas of flexibility for the management of hazardous remediation waste such as the “contained-in” and “area of contamination” policies and site-specific land disposal restrictions treatability variances continue to be available.

### **What impacts does EPA expect the HWIR-media rule to have?**

EPA anticipates that the HWIR-media rule will

- Eliminate existing regulatory disincentives to remediation

- Make site cleanup faster and easier and thus
- Provide increased protection to human health and the environment.

### **For More Information**

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet through the EPA Public Access Server. The notice is available <http://www.epa.gov/rules>, regulations, and legislation. This fact sheet and other documents related to this rule are available under “EPA Offices and Regions.” For additional information or to order paper copies of any documents, call the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460.